

MINUTES

**McDowell Sonoran Preserve Commission
1st Floor Community Development Conference Room
7447 E. Indian School Road
September 2, 2004, 5:00 PM**

CALL TO ORDER

Chairman DeCabooter called the meeting to order at 5:00 p.m., noting the presence of a quorum.

ATTENDANCE

Present: Art DeCabooter, Chairman
Christine Kovach, Vice-Chair
Carla
Denny Carr
Erik Filsinger
Laura Fisher
Howard Myers
Arnold Roy
Don Ruff
Solange Whitehead

Absent: Virginia Korte

Staff: Bob Cafarella
Claire Miller
Don Meserve

Others Staff attending all or a portion of the meeting:
Willie McDonald, Fire Chief
Randy Grant
Kevin Sonoda
Dave Petty
Joe Hindman
Mark Schroeder

Visitors: Steve Goodman, APS, Jennifer Frownfelter, URS Corporation, Joe Kullman, Scottsdale Tribune, Bill Berkley, Dan Gruber

APPROVAL OF MINUTES FOR JULY 1, 2004 MEETING

Motion by Commissioner Myers and second by Commissioner Filsinger to approve the July 1, 2004 minutes as presented. The motion passed unanimously by a vote of 10-0.

PROPOSED APS SERVICE FACILITIES IN NORTHEAST VALLEY

Steve Goodman, Project Manager for APS, presented the Commission with an overview of the existing electrical facilities in the area bounded by Stagecoach Pass, 144th Street, Pima Road and Happy Valley Road. He explained that studies have shown that the average home in the service area

used nineteen percent more electricity in 2003 than in 1999; thus the need for an additional substation to meet the increasing demand. Mr. Goodman stated the existing substation at Pima Road and Dynamite Boulevard is not sufficient to meet the future electrical demands from new construction in northeast Scottsdale, not including or projecting any development in the Preserve.

Mr. Goodman discussed with maps several of the alternative sites for three new substations and the 69 KV powerlines on monopoles serving the substation, and responded to questions from the Commission. He added that the demand for the additional facilities is projected for 2007 to 2014. He noted that public input is being gathered, and that several of the Commissioners are serving on the Community Working Group. He also noted that two powerlines leading to each substation are desirable in order to insure an uninterrupted supply of power.

Chairman DeCabooter requested comments from Commissioners, first from the members of the Community Working Group. Carla stated that the majority of the working group felt uncertain as to the scope of the need and wanted to know if there was any way to reduce the request. They expressed concern as to the timing issues, ground disturbance and visual blight as well. Mr. Goodman replied that these questions have already been raised, and that APS was preparing to respond to the Community Working Group. He also noted the open house for public comment on September 30, 2004, a website and a telephone request line.

Commissioner Whitehead asked if the plans placed a substation in the Preserve, and if so, commented that it seemed strange to her to accommodate development by putting the structure in the Preserve. She also inquired as to efforts by APS to encourage the use of solar energy. Mr. Goodman replied that the goal was to locate a new structure as close as possible to the existing substation. He stated that he would obtain information relative to APS's policy on encouraging solar energy and get back to her with that information.

Commissioner Myers expressed concern as to the potential location of the substation and its proximity to the area of need. Mr. Goodman explained that the routing was a large part of the problem. He also noted that the State Land Department suggested that APS look at the State Trust land at Dynamite and Pima next to the existing substation as a potential site. A parcel of approximately 20 acres is proposed for the new larger substation and two and a half acres each for the two smaller stations. He added that no decisions have been made and he acknowledged the difficulty of the issue.

Commissioner Kovach stated that she wasn't convinced that the Preserve should be sacrificed for the needs of development. She encouraged APS to work very hard with the community groups to reach a satisfactory solution. She also pointed out that the map in the newsletter omitted the McDowell Sonoran Preserve, Brown's Ranch and the other pieces currently owned by the City as part of the Preserve. Mr. Meserve will assist Jennifer Frownfelter, URS with map information.

Commissioner Carr asked about the process as this issue evolves. Mr. Goodman explained that the Community Working Group had been formed for input, open houses would be held to gather additional comments, and that a decision was anticipated in January or February 2005.

Carla inquired as to biological and archeological resource studies. Ms. Frownfelter advised the Commissioners that they were using a good deal of existing data to establish trend data. She stated that the AZ Fish and Game Department was involved in an overview of the area for biological

resources. She explained that many factors would be considered, with great emphasis placed on any impact to the Preserve.

PROPOSED REPLACEMENT OF EXISTING FIRE ANTENNA AT PIMA/JOMAX WATER TANK SITE

Mr. Cafarella introduced the new Fire Chief, Willie McDonald to the Commissioners. Chief McDonald spoke to the issue of improving the radio quality for the city's emergency radio system. He explained that the current standard requires that 95 percent of the calls should be successfully transmitted and answered. He stated that the standard has been achieved in only 20 percent of the community, raising some serious concerns. Chief McDonald referred to a number of sites requiring infrastructure changes and pointed out the site in the Preserve near the water tower near the intersection of Pima and Jomax Roads as one of those locations needing to be upgraded. He stated that new technology would allow a replacement pole that would improve coverage significantly.

Kevin Sonoda provided handouts and the details of the proposed replacement pole and the self-contained ground equipment shelter. He asked for input from the Commission as to the color for the pole. He responded to questions from the Commissioners. Carla suggested placing the pole closer to the tank to minimize the visual impact. Commissioner Kovach suggested green. Another commissioner suggested using the same color as the water tank.

Randy Grant added that the public health safety and welfare necessitated the pole replacement for better emergency communications. He stated that feedback from the Commission would be appreciated.

DRAFT COMMERCIAL PERMIT POLICY

Carla explained that work on commercial permits in the Preserve has been going on for a long time, and noted several issues for the Commissioners to address. Ms. Miller reviewed with a handout the levels of first aid requirement and medical certifications for trip leaders, and the first responder requirement for trip leaders. Commissioner Filsinger expressed concern that the requirements for a trip leader with every group might be too stringent, especially for rock climbing groups where a leader/guide may only take a few climbers at a time.

Carla stated that the committee felt the first responder certification requirement was a way to assure quality. She acknowledged that rock-climbing groups might be in a different category, but that she would not be in favor of lowering the bar for one user group. She stressed the need for consistency and observed that the policy should be implemented and reviewed after a period of time. She added that the commercial operators could petition for a change if the requirement proved onerous for their particular activity. Commissioner Myers spoke in favor of erring on the side of caution in keeping the requirement and revisiting it after a certain period of time.

Carla went on to discuss the issue relating to the amount of area in a specific recreational area reserved for commercial use under a permit. She noted that the concern was to maintain adequate areas for the general public to use.

Mr. Cafarella commented that some of the climbing areas are still on State Trust land, complicating implementation of commercial permit policies. He added that, when looking at enforcement, it would

be a coincidence to come across someone leading a trip who did not have all of the necessary permits. Mr. Cafarella observed that, based on projections, it appeared that the trails and use areas in the Preserve would be able to accommodate the level of use anticipated. Commissioner Myers suggested giving flexibility to the Preserve Manager, to include language clarifying that a trip is not guaranteed a permit just because the operator has requested a permit.

Commissioner Myers moved to pass the document on to legal but with the addition of a paragraph stating that the trip must be approved by the Preserve Manager, and it may or may not be granted based on area used and other impacts. Commissioner Carr seconded the motion. Commissioner Whitehead inquired as to an additional set of guidelines that would provide more specificity. Carla suggested that as Claire and Scott compile data on trips, requests and usage, that they could bring that information back to the Commission. Chair DeCabooter called for the vote. The motion passed unanimously by a vote of ten (10) to zero (0).

STATUS OF STATE LAND REFORM

Carla reported that the reform has been stalled, and there would be no special summer session held for discussion of the issue. She explained that a "Reform Light" version had evolved and that the important elements remained intact for the time being. Carla advised the Commissioners that the opponents to the original reform movement were looking at a ballot initiative in January.

Mr. Cafarella discussed the position of the State Land Commissioner on land sales.

DIRECTOR'S REPORT

Mr. Cafarella announced that the new .35% sales tax rate for the Preserve was being collected, although July revenues wouldn't be reflected until the August report. He stated that over the summer an additional 60 acres of land had been settled and acquired through negotiation, thus avoiding a lengthy condemnation procedure. Mr. Cafarella went on to note that the proposed Windgate Trail route has been fully flagged by Claire Miller and Scott Hamilton. He stated that a designer/planner has been selected through an RFP process for Lost Dog Wash, with an anticipated contract to City Council in October for approval. He noted that Hidden Hills trailhead construction was progressing. He concluded by noting that the budget process for next fiscal year had started and that additional Preserve CIP projects would be submitted since the new sales tax funding source now exists.

PRESERVE MANAGER'S REPORT

Ms. Miller noted continued enthusiasm relative to the work of the stewards. She noted that the Planning Committee was discussing enforcement issues in the Preserve, and hoped to report to the Commission in the near future. She informed the Commission that she would be representing the City at a Public Lands Information Day on Saturday, September 18 at South Mountain Park. Ms. Miller also noted that the International Mountain Bike Association trail crew would be presenting several workshops for the state in the next few weeks.

FUTURE EXECUTIVE SESSION

COMMISSIONER RUFF MOVED AND COMMISSIONER MYERS SECONDED A MOTION TO HOLD AN EXECUTIVE SESSION FOR OCTOBER 7, 2004, FOR THE PURPOSE OF DISCUSSION WITH REPRESENTATIVES OF THE PUBLIC BODY AND CONSULTATION WITH CITY ATTORNEY FOR LEGAL ADVICE TO CONSIDER ITS POSITION AND INSTRUCT ITS REPRESENTATIVES REGARDING NEGOTIATING FOR PURCHASE OR LEASE OF REAL PROPERTY FOR INCLUSION IN THE MCDOWELL SONORAN PRESERVE. THE MOTION PASSED UNANIMOUSLY BY A VOTE OF TEN (10) TO ZERO (0).

COMMISSIONER COMMENTS

Carla stated that the McDowell Sonoran month would be proclaimed on Monday, October 5, 2004, and that this celebrates the tenth birthday of the Preserve. She also reminded the Commissioners of the October 17th Tour de Scottsdale. She directed the Commission to www.active.com for more information.

Commissioner Kovach reported on the Marketing Committee meeting. She stated that a mission statement would be presented to the Commission for review at a future meeting.

AGENDA ITEMS FOR FUTURE MEETINGS

Commissioner Myers requested a mechanism whereby the Commission would be informed of proposed changes to existing facilities like antennas in the Preserve.

ADJOURNMENT

Being duly moved and seconded, the regular meeting was adjourned at 5:50 p.m.

Respectfully submitted,

“For the Record” Reporters

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